

AMENDED IN SENATE JUNE 11, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 779

Introduced by Assembly Member Bocanegra
(Coauthors: Assembly Members Bloom and Nazarian)

February 21, 2013

An act to amend Section 23357 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 779, as amended, Bocanegra. Alcoholic beverages.

(1) The Alcoholic Beverage Control Act authorizes a licensed beer manufacturer to sell to consumers, at the licensed premises of production, for consumption off the premises, beer that is produced and bottled by, or produced and packaged for, that manufacturer and to sell beer to any person holding a license authorizing the sale of beer. The act provides that a violation of its provisions is a misdemeanor unless otherwise specified.

This bill would authorize a licensed beer manufacturer that produces more than 60,000 barrels of beer per year to manufacture cider or perry, as defined, at the licensed premises of production and to sell cider or perry to any licensee authorized to sell wine. By expanding the definition of a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23357 of the Business and Professions
2 Code is amended to read:

3 23357. (a) A licensed beer manufacturer may, at the licensed
4 premises of production, sell to consumers for consumption off the
5 premises beer that is produced and bottled by, or produced and
6 packaged for, that manufacturer. Licensed beer manufacturers may
7 also exercise any of the following privileges:

8 (1) Sell *such* beer to any person holding a license authorizing
9 the sale of beer.

10 (2) Sell *such* beer to consumers for consumption on the
11 manufacturer's licensed premises or on premises owned by the
12 manufacturer which are contiguous to the licensed premises and
13 which are operated by and for the manufacturer.

14 (3) Sell beer and wine, regardless of source, to consumers for
15 consumption at a bona fide public eating place on the
16 manufacturer's licensed premises or at a bona fide public eating
17 place on premises owned by the manufacturer which are contiguous
18 to the licensed premises and which are operated by and for the
19 manufacturer.

20 (b) Notwithstanding any other provision of this division, licensed
21 beer manufacturers and holders of out-of-state beer manufacturer's
22 certificates may be issued and may hold retail package off-sale
23 beer and wine licenses. Alcoholic beverage products sold at or
24 from the off-sale premises which are not produced and bottled by,
25 or produced and packaged for, the beer manufacturer shall be
26 purchased by the beer manufacturer only from a licensed
27 wholesaler.

28 (c) Notwithstanding any other provision of this division, a
29 licensed beer manufacturer that produces more than 60,000 barrels
30 of beer a year may manufacture cider or perry at the licensed
31 premises of production and may sell cider or perry to any licensee
32 authorized to sell wine. For purposes of this subdivision, "*cider*"
33 and "*perry*" ~~has~~ have the ~~meaning~~ meanings provided in Section

1 4.21(e)(5) of Title 27 of the Code of Federal Regulations. This
2 subdivision does not alter or amend the classification of cider or
3 perry as wine for any purpose other than that provided by this
4 section.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.